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C O N F I D E N T I A L SECTION 01 OF 03 ISLAMABAD 003672

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SUBJECT: PRISON RIOTS PROMPT CALLS FOR REFORM

Classified By: Anne W. Patterson for reasons 1.4 (b), (d).

¶1. (C) Summary: Four prison riots in rapid succession in mid-October prompted NGO leaders to call for systemic reform. The problems stem from extreme overcrowding, severe health and sanitation risks, inequities within the prison population, and lengthy pre-trial detention. Conviction rates in Pakistan are between five and fifteen percent; yet the average length of pre-trial incarceration often exceeds the statutory penalty. NGO leaders suggest needed reforms include pre-trial release for defendants facing sentences shorter than three years and changes to Pakistan's 19th Century criminal procedure code. GOP officials as high as Prime Minister Gilani are advocating to end the death penalty and improve prison conditions. Department support for funding a prison census and/or NGO proposals to study prison data would help address systemic abuses in Pakistani prisons. End summary.

PRISON RIOTS PROMPT CALLS FOR REFORM  
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¶2. (U) Following prison riots in Hyderabad, Karachi, Multan, and Timergara, the Chairperson of the Human Rights Commission of Pakistan (HRCP), Asma Jahangir, issued a statement October 17 urging the GOP to implement long-term, systemic jail reform. She called on GOP authorities to humanize the prison and jail systems and reconsider the suitability of incarceration for petty crimes. She also called for the elimination of undue delay in deciding cases, underscored the need to ensure communication between the accused and their lawyers, and urged training of prison officials on the appropriate use of official force.

PRISON OVERCROWDING AND ABUSE  
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¶3. (C) Post contacts in the human rights and NGO communities echoed Jahangir's concerns and added that the magnitude of the problems had become alarming and required immediate action on the part of the GOP. Poloff met on November 4 with Global Foundation President, Ulfat Kazmi, who pointed to systemic abuses by authorities and widespread overcrowding in Pakistani prisons as the two issues posing the greatest concern. In the short term, GOP attention to these two problems was paramount, said Kazmi. He also pointed out the failure of officials to implement the 1997 Pakistan Law Commission's recommendations for prison reform as a cause of the ongoing problems within Pakistani prisons and jails.

¶4. (C) Also on November 4, Poloff met with Chairman Liaqat Banori, and Director of Operations Qaiser Siddiqui, of the Society for Human Rights and Prisoners' Aid in Pakistan

(SHARP) to discuss prison conditions and calls for prison reform. Banori and Siddiqui echoed Kazmi's comments, and added the specifics of the problem comprise a much greater human rights problem. Rampant corruption, and a lack of resources pervade the over-burdened prisons system and cause widespread problems in themselves, they said. Current methods of dealing with problems, such as suspending jail officials, registering cases against prisoners accused of rioting, and shifting detainees to other jails have failed. Even discounting problems of mismanagement, the SHARP directors stressed the desperate need to solve twin problems of overcrowding and poor prisoner living conditions.

¶5. (C) Banori and Siddiqui said the country has 72 incarceration facilities (jails and prisons), with a capacity for 35,000 inmates in the entire country. But the facilities are currently housing more than 88,000 inmates. Nationwide, regulations are written so as not to exceed a ratio of three prisoners to every one guard; in some jails, however, the ratio is ten to one, or greater, according to Banori and Siddiqui.

#### LACK OF ACCESS TO COURTS

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¶6. (C) In many cases, Banori and Siddiqui told Poloff, prison officials refused to take inmates to their court dates. While it is true this is sometimes done out of malice or retribution, according to the two, it is far more often done simply because there is inadequate guard personnel to ensure security at the facility and while transporting

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inmates to and from their court appearances. In still other cases, prison vehicles designed to carry inmates to their court appearances are too small to accommodate all inmates, so many are left behind.

¶7. (C) Exacerbating this situation, according to Banori and Siddiqui, prison officials do not follow up with the inmates not transported to court or their attorneys; inmates, therefore, are left without an appearance in court, without recourse to reschedule their court dates, and without consultation with their representatives about their case.

#### EXCESSIVE PUNISHMENT

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¶8. (C) Given the dramatic imbalance between inmates and guards, according to Banori and Siddiqui, reported torture and excessive punishments are commonplace means for prison authorities to maintain order and discipline within prisons.

¶9. (C) The October jail riots led NGOs to call for training on the appropriate use of force. Asma Jahangir of the HRCP reported that the Karachi Malir district jail surgeon alleged prison guards had shot prisoners in the head and chest during the October 15 rioting there. To reduce overcrowding she encouraged authorities to consider punishments other than incarceration, especially for misdemeanor crimes. Banori and Siddiqui suggested a rebuttable presumption in favor of bail in cases where the penalty is less than three years.

#### NGOs: SYSTEMIC STUDY AS A BASIS FOR REFORM

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¶10. (C) Banori and Siddiqui told Poloff they are considering partnering with other governments and NGOs to conduct a study of all 72 Pakistani incarceration facilities, over the previous ten years, to examine data regarding arrests, charges, length of pre-trial and post-conviction detention, and the ultimate resolution of cases. With this study, the first of its kind in the history of Pakistan's penal system, they believe they can develop a better understanding of systemic needs over the short, medium and longer terms, and the possibilities for reform. They say there is support for

such a comprehensive study within the Pakistani Ministry for Law, Justice, and Human Rights, and the Interior Ministry. Binori and Siddiqui said they would welcome USG support in such an effort.

¶11. (C) All of the NGO leaders noted that many of the country's top leaders have spent periods in incarceration. This was a sure indication of their awareness of the problems in the prison system. PM Gilani, for example, was arrested in 2001 on charges of official corruption under the Musharraf regime and spent more than five years in jail.

PM GILANI: REFORMS SHOULD IMPROVE PRISONERS' CONDITIONS  
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¶12. (C) Gilani has reiterated the GOP sees prison and jail reform as an important and immediate goal and identified over-crowding is a major issue in Pakistan's prisons. He has ordered the administrative prisons manual (parts of which date to 1894) to be updated, has stressed the need to raise the level of professionalism of prison guards, and urged expansion of vocational training opportunities for inmates.

¶13. (C) Gilani has proposed abolishing the death penalty, but capital punishment is widely accepted under Islam and is popular here. On other offenses, many believe Pakistani society is moving away from a western judicial code of punishment and looking for a balance between it and Islamic law. Islamic law is seen by many as delivering swift justice that the slow, corrupt, civil courts do not. Many within the GOP and Pakistan's legal community do not feel parole works. One Post contact stated, "parole as it is practiced in the U.S. is an impossibility in Pakistan," because there can be no real trust in the prisoner.

¶14. (SBU) Gilani has stated 80 percent of inmates currently incarcerated are awaiting a trial date and, in an immediate effort to ease overcrowding, he has ordered an investigation into speeding the trial process and investigating opportunities for bail. Post contacts have told Poloff the GOP plans to double the budget for prisons, and plans are

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underway to introduce a system of mandatory bail for all bailable offenses. Whether there is funding to implement these changes remains to be seen. Gilani has applauded the recent efforts of prison authorities in the Northwest Frontier Province where petty offenders are released without trial if their time served in incarceration has exceeded the statutory penalty for their accused crime. In this vein, Gilani has also lamented the effect of the one year plus judges' strike and its dramatically negative contribution to the criminal case backlog.

¶15. (SBU) The PM has supported improvements in the amount and type of food given to prisoners, some of whom depend on their families to avoid starvation. Gilani has ordered official investigations into the construction of water filtration and treatment plants at prisons to provide clean water and suggested investigating the previously taboo topic of giving female prisons access to reproductive health care. One small product of Gilani's reform efforts thus far was the September 2008 change in the administrative rule offering prisoners reductions in their sentences for taking religious studies which focused entirely and exclusively on Islam. The change in the 1978 rule now allows studies of all faiths to count toward sentence reduction.

¶16. (C) Comment: Publicly, NGOs welcome the new government's support for prison reform initiatives. Privately, many are skeptical of how much change can be made given the scope of the problems and limited resources to fix them. In addition to considering support for the SHARP study, the Department should consider funding a prison census in Pakistan. A census would improve transparency, provide the basis for reform, and potentially expose the remaining

number of "disappeared" persons in prison without charge.  
PATTERSON